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COMMITTEE ON APPLICATIONS FOR REVIEW
OF ADMINISTRATIVE TRIBUNAL JUDGEMENTS
Forty-fourth session
Applications Nos. 93, 94 and 95

ADMINISTRATIVE TRIBUNAL JUDGEMENTS NO. 654: HOURANI AGAINST THE COMMISSIONER-GENERAL OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST; NO. 639: LEUNG-KI AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS; AND NO. 642: SOW, KANE, DIATTA, DIENNE AND CAMARA AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS

Report of the Committee

Rapporteur: Ms. Elizabeth WILMSHURST (United Kingdom of Great Britain and Northern Ireland)

INTRODUCTION

1. At its forty-fourth session, the Committee on Applications for Review of Administrative Tribunal Judgements, established under article 11 of the statute of the Administrative Tribunal, considered the following applications:

(a) Application of Mr. Hourani for a review of Administrative Tribunal Judgement No. 654 - Hourani v. the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

(b) Application of Mr. Leung-Ki for a review of Administrative Tribunal Judgement No. 639 - Leung-Ki v. the Secretary-General of the United Nations;

(c) Application of Mr. Ali Camara for a review of Administrative Tribunal Judgement No. 642 - Sow, Kane, Diatta, Dienne and Camara v. the Secretary-General of the United Nations.

2. Meetings of the Committee were held on 21 February 1995.

I. COMPOSITION OF THE COMMITTEE AND ORGANIZATION OF THE SESSION

3. The Committee, under paragraph 4 of article 11 of the Statute of the Administrative Tribunal, is composed of the Member States, the representatives of which have served on the General Committee of the most recent regular session of the General Assembly (forty-ninth session), namely: Armenia, Austria, Belgium, Burundi, Cambodia, China, Cote d'Ivoire, Democratic People's Republic of Korea, Dominican Republic, Ecuador, Fiji, France, Ghana, Guinea-Bissau, India, Kazakhstan, Malawi, Netherlands, Nicaragua, Pakistan, Russian Federation, Senegal, Sudan, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

4. At its first meeting, held on 21 February 1995, the Committee elected the following officers:

Chairman: Mr. George O. Lamptey (Ghana)

Rapporteur: Ms. Elizabeth Wilmshurst (United Kingdom)

II. THE APPLICATIONS BEFORE THE COMMITTEE AND THEIR CONSIDERATION

5. On 16 November 1994, the Committee received, through its Secretary, an application from Mr. Hourani, requesting a review of Judgement No. 654 rendered by the United Nations Administrative Tribunal on 20 July 1994 in the case of Hourani against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In accordance with paragraph 1 of article III of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 16 January 1995, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.265) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/654).

6. Written comments of the respondent, submitted with respect to the application of Mr. Hourani in accordance with paragraph 1 of article V of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.266.

7. The Committee considered the application of Mr. Hourani at its closed meeting, held on 21 February 1995.

8. The Committee decided unanimously that there was not a substantial basis for the application of Mr. Hourani under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 654 delivered by the United Nations Administrative Tribunal in the

case of Hourani against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

9. On 29 November 1994, the Committee received, through its Secretary, an application from Mr. Leung-Ki, requesting a review of Judgement No. 639 rendered by the United Nations Administrative Tribunal on 13 July 1994 in the case of Leung-Ki against the Secretary-General of the United Nations. In accordance with paragraph 1 of article III of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 16 January 1995, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.267) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/639).

10. Written comments of the respondent, submitted with respect to the application of Mr. Leung-Ki in accordance with paragraph 1 of article V of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.268.

11. The Committee considered the application of Mr. Leung-Ki at its closed meeting, held on 21 February 1995.

12. The Committee decided unanimously that there was not a substantial basis for the application of Mr. Leung-Ki under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 639 delivered by the United Nations Administrative Tribunal in the case of Leung-Ki against the Secretary-General of the United Nations.

13. On 23 November 1994, the Committee received, through its Secretary, an application from Mr. Ali Camara, requesting a review of Judgement No. 642 rendered by the United Nations Administrative Tribunal on 14 July 1994 in the case of Sow, Kane, Diatta, Dienne and Camara against the Secretary-General of the United Nations. The application of Mr. Ali Camara did not comply with the requirements set forth in article II, paragraph 2, of the rules of procedure of the Committee. Therefore, as provided for in article III, paragraph 2, and article XIII, paragraph 1 (a), of the rules of procedure of the Committee, on 30 November 1994 the application was returned to Mr. Ali Camara with a request that it be corrected and resubmitted within three weeks from the date of its return. A corrected application of Mr. Ali Camara, dated 12 December 1994, was received by the Secretary of the Committee on 22 December 1994. In accordance with paragraph 1 of article III of the rules of procedure of the Committee, the application, which had been submitted in French, was translated into the other languages of the General Assembly. Thereafter, on 16 January 1995, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.269) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/642).

14. Written comments of the respondent, submitted with respect to the application of Mr. Ali Camara in accordance with paragraph 1 of article V of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.270.

15. The Committee considered the application of Mr. Ali Camara at its closed meeting, held on 21 February 1995.

16. The Committee decided unanimously that there was not a substantial basis for the application of Mr. Ali Camara under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 642 delivered by the United Nations Administrative Tribunal in the case of Sow, Kane, Diatte, Dienne and Camara against the Secretary-General of the United Nations.

17. In accordance with article VIII, paragraph 4, of the rules of procedure of the Committee, the decisions of the Committee with regard to the applications of Messrs. Hourani, Leung-Ki and Ali Camara were formally announced by the Chairman at the meeting of the Committee held in public on 21 February 1995.